IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

P. I. L. NO.17 OF 2004

Shri Arvind Kumar. ...Petitioner.
Vs.
Thane Municipal Corporation & Ors. ...Respondents.
....
Mr. Phiroz Pooniwala i/b. Mr. R. K. Yadav for the Petitioner.
Mr. A. A. Garge with Mr. R. S. Apte. for Respondent Nos.1 to 3.
Mr. S. G. Aaney with Mr. Rahul Chitnis i/b. M/s. M. & M. Legal Venture for Respondent No.5.
.....
CORAM : R. M. LODHA AND
DR.D.Y.CHANDRACHUD, JJ.

July 12, 2006.

P.C.

Respondent No.5 in the reply affidavit has set up the defence that the Petitioner has been put up by M/s. Unit Arsens who were their earlier Architects who had various confidential documents in respect of the properties owned by Respondent No.5. It is, thus, the case of Respondent No.5 that this petition is motivated and has not been filed by the Petitioner in the nature of a public interest litigation honestly.

Before we consider as to whether this Public Interest Litigation has been filed bonafide, we are of the view that the

Petitioner must be asked to deposit a sum of Rs.1 lakh towards the costs so that in the event the Writ Petition is dismissed, the costs may be awarded to the Respondents.

We accordingly direct the Petitioner to deposit a sum of Rs.1 lakh within four weeks from today. In default, the Writ Petition shall stand dismissed without reference to Court.

(R. M. Lodha, J.)

(Dr.D. Y. Chandrachud, J.)